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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,360

12/06/2005

Anke Gerda Sinnema

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,360	<b>Applicant(s)</b> SINNEMA ET AL.	
	<b>Examiner</b> Clark F. Dexter	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 13, 23-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 23-35, 37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2009 has been entered.

### ***Drawings***

2. The replacement drawings received on July 3, 2008 stand objected to because of the following informalities:

New Figures 9-12 stand as being considered to be new matter and should be canceled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings stand objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one spiral-shaped ridge (claim 4), the at least one star-shaped ridge (claim 4), the at least one flower-shaped ridge (claim 4), and a pattern of dimples (claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

### ***Specification***

4. The amendment filed December 17, 2007 stands objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The new paragraphs added after page 2, line 32 and found on page 2 of the subject amendment; and

The replacement paragraph for the paragraph beginning at page 4, line 19 of the specification and found on page 3 of the subject amendment.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Geertsma et al., Pub. No. 2002/0083591 (hereafter Geertsma '591).

Regarding claims 1-5, Geertsma '591 discloses a shaving apparatus with every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1) accommodating at least one cutting unit (e.g., 3) that comprises an external cutting member (e.g., 4), a matching internal cutting member (e.g., 6, 7), and a device for providing a shaving aid additive to said skin contacting surface, characterized by

Art Unit: 3724

shaving aid additive retaining means (e.g., 9, 10) provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material; wherein the shaving aid additive retaining means comprises a plurality of grooves (e.g., the grooves formed between features 10) that prevent the shaving aid additive from entering apertures in the external cutting member;

[claim 2] wherein said at least one cutting unit is of the rotary type comprising an external annular cutting member, and wherein first shaving aid additive retaining means are provided on the skin contact surface enclosed by the external cutting member of the at least one cutting unit (e.g., as viewed in Fig. 2);

[claim 3 (from 2)] wherein the first shaving aid additive retaining means comprise at least one ridge extending around the center of the skin contact surface enclosed by the annular cutting member of the at least one cutting unit (e.g., as shown in Fig. 2);

[claim 4 (from 3)] wherein said at least one ridge comprises at least one of the following configurations:

- a) a number of concentric ridges,
- b) a spiral-shaped pattern of ridges,
- c) a star-shaped pattern of ridges,
- d) a flower-shaped pattern of ridges (e.g., feature 9 with features 10 are considered to broadly meet at least items c and/or d);

[claim 5 (from 2)] wherein the first shaving aid additive retaining means (e.g., 9, 10) include a pattern of dimples (e.g., 10) in at least part of the skin contact surface.

Regarding claim 13, Geertsma '591 discloses a cutting unit of the rotary type, said cutting unit having an external annular cutting member (e.g., 4) and a skin contact surface (e.g., the surface of 9, 10) enclosed by the external contact member, wherein said enclosed skin contact surface is provided with shaving aid additive retaining means (e.g., the concentric ridge of 9 shown in Fig. 2 and/or features 10).

### ***Response to Arguments***

7. Applicant's arguments filed May 18, 2009 have been fully considered but they are not persuasive.

Regarding applicant's arguments on pages 6-7 of the subject response directed to the objections to the drawings and specification (sections II and III of the Remarks section), the Examiner respectfully disagrees with applicant's position for at least the reasons previously described.

Regarding applicant's argument on page 9 of the subject response directed to the prior art rejection over Geertsma, the Examiner respectfully disagrees with applicant's analysis. First, Geertsma discloses all of the claimed structure (i.e., including grooves as described in the prior art rejection above). Second, because Geertsma's device discloses all of the claimed structure, it must follow that if the claimed invention can perform the claimed function, then so too can Geertsma's device. As one example, the grooves (e.g., between features 10) of Geertsma's device will clearly dictate the flow of at least part of the shaving aid additive and therefore will prevent at least some of the shaving aid additive to reach/access/enter some of the apertures of Geertsma's device.

For at least these reasons, it is respectfully submitted that the objections and above-described rejections must be maintained.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
June 8, 2009